



Herbert W. A. Thiele

County Attorney

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Herb Thiele was selected by the Board in 1990 to create the County's first in-house legal department and has served Leon County for more than two decades. Under Thiele's leadership, the office has remained small but extremely efficient with only four lawyers handling all the legal affairs of Leon County.

The Florida Bar recognized the Leon County Attorney's Office as a "high-performance" organization, and Thiele was named one of *Florida Trend's* Legal Elite Government Attorneys.

Thiele is active in organizations that serve local government lawyers and advance the interests of local government law, including the International Municipal Lawyers Association and the Florida Association of County Attorneys, for which he has served as President three times.

He leads a team of skilled professionals who provide high-quality, timely and cost-effective legal representation to the Board and other officials of Leon County, as directed.

COUNTY ATTORNEY'S OFFICE

SERVING THE LEGAL NEEDS OF LEON COUNTY GOVERNMENT

- Received and processed 88 public records requests through the County Attorney's Office alone, not including those received and handled by other departments.
- Reviewed 323 agenda items for the Board of County Commissioners.
- County Attorney spoke on Honest Services, Ethics, and Sunshine Law at various Florida forums, including the Florida Association of Counties' New Commissioner Certification Course, the Florida Association of County Attorney's Annual Meeting, the Florida Bar's City County & Local Government Law Section Annual Meeting, the Department of Children & Families, the Procurement Association, the Florida Association of Police Attorneys, the International Municipal Lawyers Association and the Gainesville/Alachua County staff.
- Named interim, transitioning general counsel to the Leon County Research & Development Authority's Board of Governors, and staff provided significant contributions to the preparation of the Request for Proposals and hiring of a new general counsel.
- Provided legal support to the Human Relations Advisory Committee and legal counsel for the Charter Review Commission, staffing all meetings from November 2009 to March 2010.
- Collier v. Brock: filed Amicus Brief on behalf of the Florida Association of Counties and the Florida Association of County Attorneys with the Florida Supreme Court.
- Participated at the Supreme Court in Leon County v. Lewis regarding regional conflict counsel litigation.
- Leon County v. Petrandis: the Florida Supreme Court denied Defendant's request for jurisdiction, upholding the lower Court's judgment in favor of Leon County for \$300,000.
- Handled the Emergency Medical Services (EMS) Department of Health Investigation.
- Prepared the Fire Services Fee Collection Issues Notice.
- Closed on the Florida Gas Transmission donation to Leon County of environmentally sensitive property.
- Closed on the purchase of Huntington Oaks Plaza and handled related property swap of View Pointe property at Perkins Road, including subsequent Tenant Matters and lease agreement template for use by TALCOR.
- Copyright Program for GIS and Emergency Operations Center for the Incident Training System
- Drafted new or revised Policies, including Social Media Policy, Bid Protest Policy, HIPAA Policy and the AHAC Affordable Housing Certification Policy.



DID YOU KNOW

The four lawyers currently on staff with the County Attorney's Office have more than 75 years of combined legal experience.

Leon County Wins Appeal, Awarded \$314K

In November 2009, the First District Court of Appeal upheld the Honorable P. Kevin Davey's Order on Motion for Rehearing in favor of Leon County, which included a \$314,068 award to the County to remediate property and to reimburse Leon County for a portion of its administrative costs. The case against Johnny Petrandis and his corporation, J-II Investments, was pending since 2003 and had been a lengthy, litigious matter for the County. This is the second appeal involving the same case. In the first case, which is now the leading case in Florida, the Court ruled that local governments can enforce their existing regulations on agricultural property.

The First District Court of Appeal agreed with the County's position in upholding the trial court's Order on Motion for Rehearing and assessing the penalties against Petrandis and his company, so the County will be able to restore the property and correct the environmental damage done by the defendants.

Leon County Joins Suit Against Online Travel Companies

In 2009, Leon County led the way by filing suit against leading internet travel companies, asking for a declaratory judgment that the companies' failure to remit the appropriate amount of taxes on hotel room rentals is a violation of Florida law, costing the public significant amounts of hotel taxes.

The hotels collect the taxes directly from travelers, but only on the wholesale rates. Governments across the country claim this practice robs them of hundreds of millions of dollars.

The suit against such defendants as Orbitz, Expedia, Priceline, Travelocity and Hotels.com is ongoing, and Leon County has been joined by other counties, including Flagler, Lee, Manatee, Pinellas and Polk counties.

Leon County Files Suit in Federal Court to Preserve Its Energy Program

To ensure the survival of its local energy efficiency program, Leon County filed complaint in federal court against the Federal Housing Finance Agency (FHFA), the Federal Home Loan Mortgage Corporation ("Freddie Mac") and the Federal National Mortgage Association ("Fannie Mae") in an effort to reverse recent federal regulatory actions taken by the FHFA.

Those actions have undermined the County's Leon Energy Assistance Program, also known as "LEAP," and others like it throughout the nation, which are intended to assist property owners by funding energy efficiency improvements on their homes and businesses through property assessments. The primary purpose of LEAP is to enact meaningful energy-reduction efforts that will also help to create jobs and reduce greenhouse gas emissions for the entire community. Through LEAP, property owners will be able to lower their utility bills, reduce the up-front cost of energy retrofits and add value to their property.

The FHFA regulation would prohibit home mortgages with energy assessments from being acquired by Fannie Mae and Freddie Mac, the two federal private corporations that purchase or guarantee more than 50 percent of the residential mortgages in the nation. Leon County argues that this regulation is violative of many federal and state laws and constitutional provisions.

